

REMARKS

By this amendment, and without addressing the merits of the outstanding rejections, Applicants have now amended Claim 1 in such a manner as to overcome all outstanding rejections and place this application in condition for allowance. In particular, Claim 1 is now directed to the recited cancers, and Applicants have also canceled without prejudice Claims 4 and 8-9. As a result of the amendments, Claims 1, 5-7 and 10 are pending in the application. Applicants submit that the present application has been placed in condition for allowance for the reasons as stated below.

35 U.S.C. §112 Claim Rejection

Claims 8-9 have been withdrawn. Objections directed to these claims are thus moot.

Claims 1 and 5-10 stand rejected under 35 U.S.C. 112, first paragraph as allegedly failing to provide enablement for the whole scope of the claims. Since claim 1 has been limited to the restricted list of cancers of claim 4, this objection is moot.

35 U.S.C. §102 Claim Rejection

Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Ning et al. (CN1306003). Since pending claim 1 now includes the features of claim 4, which are considered new by the Examiner, this objection is moot.

35 U.S.C. §103 Claim Rejection

Claim 10 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Ning et al. Since pending claim 1 now includes the features of claim 4, which are discussed hereinafter, this objection is moot.

Claims 4 and 9 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Ning et al. in view of Gunasekera et al. Since claims 4 and 9 have been canceled without prejudice, this objection now applies only to pending claim 1, which includes the features of claim 4.

A complete English translation of Ning et al. is hereby provided by the Applicants. As clearly mentioned in page 6 of Ning et al., Ning et al. have tested a wide variety of saccharides for their therapeutic properties. However, only a small number of saccharides presented therapeutic properties : *“Based on these experiments, the oligosaccharides with the property of anti-tumor activity and immunity enhancing and thus used in the health care products or drugs for immunity enhancing, anti-tumor activity and treatment of cancer, have been confirmed to have the following structure (...)”*. The structure of these saccharides comprises a main chain of 4 to 5 sugar units and two side chains comprising at least one sugar.

To the contrary, the compounds of the invention are not substituted and are thus different from those described in Ning et al. Thus, the claims of the application are patentable over Ning et al. for at least the reason that Ning et al. do not disclose, teach, or suggest the two specific oligo-beta-(1,3)-glucans of instant claim 1.

In addition, Ning et al. mention that a large amount of saccharides were tested to assess their anti-cancer properties and that only the saccharides comprising a main chain of 4 to 5 sugar units and two side chains comprising at least one sugar presented anti-cancer properties (see page 6 of the English translation of Ning).

Accordingly, the person having ordinary skill in the art would have considered, in view of the number of compounds tested by Ning et al., that only the saccharides comprising a main chain of 4 to 5 sugar units and two side chains have anti-cancer properties.

However, the inventors of the present invention have surprisingly evidenced that the oligo- β -(1,3)-glucans as recited in pending claim 1 have anti-cancer activity.

Thus, the claims of the application are patentable over Ning et al. for at least the reason that Ning et al. do not disclose, teach, or suggest the anti-cancer activity of the two specific oligo-beta-(1,3)-glucans of instant claim 1.

Gunasekera et al. teach disclamide compounds and their use as anti-proliferative agents. These compounds are completely different from those of the invention.

Accordingly, since the compounds of pending claim 1 and their anti-cancer activity are neither disclosed, taught nor suggested in Ning et al. taken alone or in combination with Gunasekera et al., claim 1 is not obvious.

Since claim 1 is not obvious, claims 5-7 and 10, which depend on claim 1, are also not obvious, and the Examiner's rejection on this basis, insofar as applied to the claims as amended, is respectfully traversed.

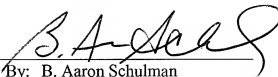
Claim 8 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Ning et al. in view of the Merck Manual of Diagnosis and Therapy, 7th Edition. Since claim 8 has been canceled without prejudice, this obviousness rejection is moot.

In view of the above amendments and comments, it is considered that the application is now in proper form for allowance.

Entrance of the present amendment and prompt allowance of the above claims are thus respectfully requested.

Respectfully submitted,

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